

ORIGINAL

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

2021 SEP 30 PM 2:16

DEPUTY CLERK MS

UNITED STATES OF AMERICA

v.

Case No. 3:21-CR-208-N

TREMELLE SYKES

FACTUAL RESUME

In support of Tremelle Sykes's plea of guilty to the offense in Count Two of the Indictment, Sykes (the defendant), Russell Wilson (the defendant's attorney), and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count Two of the Indictment, charging a violation of 18 U.S.C. § 1001(a)(3), that is, False Statements, the government must prove each of the following elements beyond a reasonable doubt:

- First.* That the defendant made or used any false writing or document regarding a matter within the jurisdiction of the Federal Railroad Administration of the Department of Transportation;
- Second.* That the defendant made or used the false writing or document knowing it contained a false, fictitious, or fraudulent statement;
- Third.* That the false, fictitious, or fraudulent statement was material; and
- Fourth.* That the defendant made the false statement willfully, that is, for the purpose of misleading the Federal Railroad Administration of the Department of Transportation.

Source: Fifth Circuit Pattern Jury Instructions § 2.45 (2019).

STIPULATED FACTS

1. From at least 2005 until 2019, the defendant, **Tremelle Sykes**, was employed as a Hazardous Material Safety Inspector for the Federal Railroad Administration (“FRA”) and was the sole inspector assigned to the Dallas-Fort Worth area and northeast Texas. **Sykes** worked from his home in Dallas, Texas, and was required to travel to railyards and/or facilities to perform inspections at the direction of FRA.

2. In 2019 **Sykes** submitted false and fraudulent inspection reports to the FRA for inspections at railyards and/or facilities that he did not perform. On the inspection reports, which he submitted to FRA, **Sykes** falsely indicated that he inspected a railyard and/or facility, when in truth and fact, he did not inspect the railyard at all.

3. The FRA was an agency of the United States Department of Transportation responsible for enforcing the regulations promulgated by the Pipeline and Hazardous Materials Safety Administration pertaining to the safe and secure transport by rail of hazardous materials, such as ethanol, crude oil, and toxic or poisonous inhalation hazard materials.

4. The FRA employed Hazardous Materials Safety Inspectors to conduct inspections of railroads and shippers for compliance with the hazardous material regulations. After conducting an inspection, a FRA Inspector was required to prepare and submit to the FRA an inspection report (Form 6180.96) that reflected his findings and provide the inspection facility with a copy of the inspection report within 24 hours of completion of the inspection.

5. As a particular example of the false and fraudulent inspection reports, on or about January 22, 2019, in the Northern District of Texas, the defendant, **Tremelle Sykes**, in a matter within the jurisdiction of the executive branch of the government of the United States, that is, the Federal Railroad Administration of the Department of Transportation, did knowingly and willfully make and use a false writing and document knowing the same to contain materially false, fictitious, and fraudulent statements, that is, the Inspection Report (FRA Form 6180.96) No. 013, which represented that the defendant had performed a hazardous material inspection at W.T., a railyard company located in Dallas, Texas, on January 16, 2019, when in truth and fact, as the defendant well knew, he had not conducted the inspection.

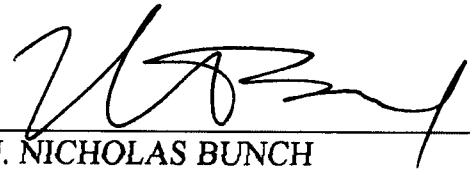
— NOTHING FURTHER ON THIS PAGE —


6. The defendant agrees that he committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this *statement of facts is to demonstrate that a factual basis exists to support the defendant's* guilty plea to Count One of the Information.

AGREED TO AND STIPULATED on this 20 day of September 2021.

PRERAK SHAH
ACTING UNITED STATES ATTORNEY


TREMELLE SYKES
Defendant


J. NICHOLAS BUNCH
Assistant United States Attorney
Texas Bar No. 24050352
1100 Commerce, Suite 300
Dallas, Texas 75242
Telephone: 214.659.8836
Facsimile: 214.767.4104
nick.bunch@usdoj.gov


RUSSELL WILSON
Attorney for Defendant